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John Dana Hubbard  
Millipore Corporation  
80 Ashby Road  
Bedford, MA 01730

In re Application of LEONARD  
U.S. Application No.: 09/936,668  
Int. Application No.: PCT/US00/11926  
Int. Filing Date: 02 May 2000  
Priority Date: 04 May 1999  
Attorney Docket No.: MCA-448 PC/US  
For: METHOD OF ULTRAFILTRATION

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 September 2001.

### **BACKGROUND**

On 02 May 2000, applicant filed international application PCT/US00/11926, which claimed priority of an earlier United States application filed 04 May 1999. The twenty-month period for paying the basic national fee in the United States expired at midnight on 04 January 2001.

International application PCT/US00/11926 became abandoned as to the United States at midnight on 04 January 2001 for failure to pay the basic national fee.

On 13 September 2001, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

### **DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.


### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The \$130.00 surcharge set forth in 37 CFR 1.492(e) will be charged to Deposit Account No. 13-3577 per applicant's authorization.

This application has an international filing date of 02 May 2000 and a date under 35 U.S.C. 371 of 13 September 2001.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

  
Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459